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AUG 27 1975

Lake Mich. Dist.

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

JAMES LEHRER, d/b/a
LEHRER SANITARY SERVICE,

Defendant.

MEMORANDUM OF UNDERSTANDING

WHEREAS, the above action was commenced by the plaintiff, State of Wisconsin, seeking enforcement of the Wisconsin Department of Natural Resources' order no. 2A-74-833 and a forfeiture in accordance with sec. 144.57, Stats.; and

WHEREAS, issue was joined; and

WHEREAS, plaintiff has filed a notice of trial and certificate of readiness; and

WHEREAS, the defendant has undertaken certain actions aimed at complying with said order and, by taking such actions and the actions agreed to below, expects to achieve compliance with said order in the near future; and

WHEREAS, it is reasonable that both parties come to a mutual understanding of the requirements of said order; now then

IT IS HEREBY STIPULATED AND AGREED:

1. That the defendant will, by September 10, 1975, cover with two feet of earth material and bring to final grade all paper mill sludge deposited near the incinerator located on his solid waste disposal site.

2. That the defendant will cover with two feet of earth material and bring to final grade all other exposed solid waste, including but not limited to, bark deposited at various locations on the site.

3. That the defendant will dispose of newly arriving paper mill sludge in the following manner. The sludge will be deposited at the cell located at the north end of defendant's site. Newly arriving garbage type solid waste will be disposed in a layer on top of the paper mill sludge. On each and every day on which such garbage type solid waste is disposed over paper mill sludge, it will be covered with two feet of earth material.

4. That the defendant will make part of his engineering plan, the final grading, top soiling, and seeding of the site area within three hundred feet of Kankapot Creek. Until the final engineering plans can be approved by the Department of Natural Resources and implemented, the defendant will continue to maintain erosion control in the area.

5. That the defendant will, by August 27, 1975, notify the Department of Natural Resources and plaintiff's attorney, of its decision to either remove or cover with two feet of earth material the salvageable metal waste deposited in the ravine area behind the incinerator located on defendant's site. If defendant's choice is to cover said material, he will complete the cover within thirty days of such decision.

6. That the defendant will segregate and cover on a bimonthly basis all newly arriving demolition material.

7. That the defendant will notify the Department of Natural Resources' district office of the completion of each step described above so that an inspection of the site can be made.

8. That this agreement in no way modifies the terms or time deadlines of the order issued against the defendant on August 7, 1974, but acts merely to encourage prompt compliance with the order.

Dated this 26th day of August, 1975.

BRONSON C. LA FOLLETTE
Attorney General

By: [signature]
LINDA M. CLIFFORD
Assistant Attorney General
Attorneys for Plaintiff

Dated this 25th day of Aug., 1975.

By: [signature]
CHARLES J. HARTZHEIM
Attorney for Defendant

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